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Separate paging is given to this Part in order that it may be filed
as a separate compilation

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 14th January, 1994/Pausa 24, 1915 (Saka)

THE COFFEE (AMENDMENT) ORDINANCE, 1994
No. 1 OF 1994

Promulgated by the President in the Forty-fourth Year of the
Republic of India

An Ordinance further to amend the Coffee Act, 1942.

WHEREAS Parliament is not in session and the President is satisfied
that circumstances exist which render it necessary for him to take im-
mediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1)
of article 123 of the Constitution, the President is pleased to promulgate
the following Ordinance:—

1. (1) This Ordinance may be called the Coffee (Amendment)
Ordinance 1994.

(2) It shall come into force at once.

Short
title and
com-
mence-
ment.

7 of 1942.

2. In section 3 of the Coffee Act, 1942 (hereinafter referred to as the
principal Act).—

(a) for clause (c), the following clause shall be substituted,
namely:—

Amend-
ment of
section
3.

52 of 1962.

‘(c) “Collector” means a Collector of Customs as defined in
clause (8) of section 2 of the Customs Act, 1962;’

(b) for clause (h), the following clause shall be substituted, namely:—

“(h) “free sale quota” means that portion, stated in terms of bulk or weight, of the whole of the coffee produced by the estate in the year, which a registered estate is permitted under this Act to sell;”.

Omission of section 12

3. Section 12 of the principal Act shall be omitted.

Substitution of new section for section 13

4. For section 13 of the principal Act, the following section shall be substituted, namely:—

Payment of proceeds of duty to the Board

“13. (1) The proceeds of the duty of customs levied under this Act (all of which shall form part of the Consolidated Fund of India), reduced by the cost of collection as determined by the Central Government, shall, if Parliament by appropriation made by law in this behalf so provides, be paid to the Board for being utilised for the purposes of this Act.

(2) The provisions of the Customs Act, 1962, and the rules and regulations made thereunder, shall, as far as may be, apply in relation to,

52 of 1962.

(a) the refund of the duty of customs where coffee is exported and subsequently imported into India; and

(b) the export, without payment of the duty of customs, of coffee which is subsequently to be imported into India.”.

Substitution of new section for section 17.

5. For section 17 of the principal Act, the following section shall be substituted, namely:—

Sale of coffee in excess of free sale quota.

“17. No registered owner shall sell or contract to sell coffee from any registered estate if by such sale the free sale quota allotted to that estate is exceeded nor shall a registered owner sell or contract to sell any coffee produced on his estate in any year for which no free sale quota is allotted to the estate.”.

Amendment of section 20.

6. In section 20 of the principal Act, for the words and figures “Sea Customs Act, 1878, shall have effect as if the provision made by this section had been made by notification issued under section 19”, the words and figures “Customs Act, 1962, shall have effect as if the provision made by this section had been made by notification issued under section 11” shall be substituted.

8 of 1878.

52 of 1962.

7. For section 22 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 22.

“22. (1) Unless with the previous sanction of the Central Government the Board decides that no free sale quotas shall be allotted, the Board shall, as soon as may be, allot to each registered estate a free sale quota for the year.

Free sale quota.

(2) The free sale quota shall be a fixed percentage, common to all registered estates, not exceeding fifty per cent. of the probable total production of the estate in the year as estimated by the Board:

Provided that the Board may, with the previous sanction of the Central Government, allot such quota at a percentage higher than fifty per cent. of the said probable total production.

(3) The Board may at any time vary the free sale quota by varying the fixed percentage common to all registered estates, or may express the whole or any part of the free sale quota of an estate in terms of bulk instead of in terms of weight.”

8. In section 23 of the principal Act, in sub-section (2), for the words “an internal sale quota”, at both the places where they occur, the words “a free sale quota” shall be substituted.

Amendment of section 23.

9. In section 24 of the principal Act, for the words “internal sale quota”, the words “free sale quota” shall be substituted.

Amendment of section 24.

10. In section 25 of the principal Act,—

Amendment of section 25

(a) in sub-section (1),—

(i) for the words “internal sale quota”, the words “free sale quota” shall be substituted;

(ii) for the words “internal sale quotas”, at both the places where they occur, the words “free sale quotas” shall be substituted;

(b) in sub-section (2), for the words “internal sale quota”, the words “free sale quota” shall be substituted.

11. In section 29 of the principal Act, in sub-section (1),—

Amendment of section 29.

(i) for the words “internal sale quota”, the words “free sale quota” shall be substituted;

(ii) for the words “for internal sale”, the words “for free sale” shall be substituted;

(iii) for the words “internal sale quotas”, the words “free sale quotas” shall be substituted.

Amend-
ment of
section
32.

12. In section 32 of the principal Act, in sub-section (2), for the words, brackets and figures "Subject to the provisions of sub-section (7) of section 13, the pool fund", the words "The pool fund" shall be substituted.

Amend-
ment of
section
40.

13. In section 40 of the principal Act, in sub-section (1), for the words "a Magistrate of the first class", the words "a Metropolitan Magistrate or a Judicial Magistrate of the first class" shall be substituted.

Amend-
ment of
section
48.

14. In section 48 of the principal Act, in sub-section (2), in clause (xviii), for the words "internal sale quota", the words "free sale quota" shall be substituted.

SHANKER DAYAL SHARMA,
President.

K. L. MOHANPURIA,
Secy. to the Govt. of India.